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Attorney for Plaintiff,  
JERMAINE MONTIEL

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JERMAINE MONTIEL,

Plaintiff,

vs.

OFFICER M. WILLIAMS, Badge No.  
3751; SERGEANT C. SHEPPARD,  
Badge No.. 3125; OFFICER  
HERNANDEZ, Badge No.. 3898;  
OFFICER RODRIGUEZ, Badge No..  
3087; JOHN DOE and RICHARD ROE;  
ROBERT DAVIS; CITY OF SAN JOSE,

Defendants.

CASE NO.: C07-05490 JF

**STIPULATION TO CONTINUE  
TRIAL AND RELATED DATES;  
AND [PROPOSED] ORDER**

Trial Date: February 1, 2010  
Judge: Hon. Jeremy Fogel  
Courtroom: 3

The parties to this action, by and through their attorneys of record, Michael Groves for  
Defendants and Anthony Boskovich for Plaintiff, hereby stipulate as follows:

1 This case is currently set for trial on February 1, 2010. Because of Plaintiff attorney's  
2 intense involvement in another Federal action in the Central District, including over 30  
3 depositions in the last two months and other activities, the parties herein have been unable to  
4 meet any of the pre-trial dates set for the this case in the Court's Order of April 9, 2009.  
5 Essentially, Plaintiff's counsel has been unavailable due to the demands of the other case, a  
6 situation which persists to this day.

7 In light of this, the parties hereby stipulate to continue the trial date and related pretrial  
8 dates and seek the Court's approval for the same.

9 The current trial and pretrial dates are as follows:

10	Expert Disclosures due:	October 23, 2009
11	Close of Fact Discovery:	October 30, 2009
12	Close of Expert Discovery:	November 20, 2009
13	Last Day for Hearing on Dispositive Motions:	December 11, 2009
14	Pre-Trial Conference:	January 22, 2010 at 11:00 am
15	Jury Selection:	January 29, 2010
16	Jury Trial:	February 1, 2010

17 The parties seek the following new schedule:

18	Expert Disclosures due:	February 22, 2010
19	Close of Fact Discovery:	March 8, 2010
20	Close of Expert Discovery:	March 15, 2010
21	Pre-Trial Conference:	April 23, 2010 at 11:00 am
22	Jury Selection:	April 30, 2010
23	Jury Trial:	May 3, 2010

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BOSKOVICH & APPLETON

Dated: December 15, 2009

/s/ Anthony Boskovich  
ANTHONY BOSKOVICH  
Attorney at Law

Attorney for Plaintiff,  
JERMAINE MONTIEL

Dated: December 15, 2009

RICHARD DOYLE, City Attorney

By: /s/ Michael R. Groves  
MICHAEL R. GROVES  
Sr. Deputy City Attorney

Attorney for Defendants,  
CITY OF SAN JOSE, ROBERT DAVIS,  
OFFICER MATTHEW WILLIAMS,  
SERGEANT CARLTON SHEPPARD,  
OFFICER JUAN HERNANDEZ, and  
OFFICER GERARDO RODRIGUEZ

**ATTESTMENT OF CONCURRENCE PER GENERAL ORDER 45 FOR FILING:**


I attest that concurrence in the filing of this document by the signatories, Michael Groves and Anthony Boskovich, has been obtained, and that a record of the concurrence shall be maintained at the Office of the City Attorney.

Date: December 15, 2009

By: /s/ Michael R. Groves  
MICHAEL R. GROVES

**IT IS SO ORDERED.**

Dated: 12/16/09

  
HON. JEREMY FOGEL  
United States District Court Judge